

ORDINANCE NO. 2023-612

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING CHAPTER 15.38 TO TITLE 15 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California has adopted Assembly Bill 1236 (Chapter 598, Statutes of 2015), which requires every city with a population of less than 200,000 residents to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations on or before September 30, 2017, and

WHEREAS, Assembly Bill 970 (Chapter 710, Statutes of 2021), requires, beginning January 1, 2023, such permitting applications, to be deemed complete, and subsequently deemed approved, at a certain point after submission if the City of Hawaiian Gardens (“City”) has not taken certain specified actions with respect to the applications; and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City’s reliance on environmentally damaging fossil fuels; and

WHEREAS, the City wishes to amend the Hawaiian Gardens Municipal Code to meet these State law requirements and to facilitate convenient charging of electric vehicles.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby incorporates by reference the recitals of this Ordinance.

SECTION 2. Amendment. Chapter 15.38 is hereby added to Title 15 of the Hawaiian Gardens Municipal Code to read in full as follows:

“Chapter 15.38 ELECTRIC VEHICLE CHARGING SYSTEMS; STREAMLINED PERMITTING.”

Sections:

- 15.38.010 Purpose
- 15.38.020 Definitions
- 15.38.030 Electrical Vehicle Charging Station Requirements
- 15.38.040 Expedited Permitting Process
- 15.38.050 Permit Application Process
- 15.38.060 Permit Review; Timing

15.38.010 – Purpose

The purpose of this section is to create an expedited and streamlined electric vehicle charging station permitting process that complies with Government Code sections 65850.7 and 65850.71 to achieve the timely and cost-effective installation of electric vehicle charging stations. Pursuant to Government Code section 65850.7 and notwithstanding any other provision of this code pertaining to conditional or accessory uses, only an electrical permit shall be required for an electric vehicle charging station.

15.38.020 – Definitions

A. “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit.

B. “Building Official” means the chief building official of the City or their designee.

C. “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, and any subsequent amendments thereto, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

D. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

E. “Electronic submittal” means the utilization of one or more of the following:

- a. Email
- b. The Internet

15.38.030 – Electrical Vehicle Charging Station Requirements

A. The electric vehicle charging station shall meet the applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission and the local electric utility company regarding safety and reliability.

B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer’s installation instructions. Mounting of charging stations shall not adversely affect building elements.

15.38.040 – Expedited Permitting Process

Consistent with Government Code section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website.

15.38.050 – Permit Application Process

A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; and areas of charging station equipment and vehicle parking.

B. A permit application that satisfies the information requirements in the City’s adopted checklist shall be deemed complete and be promptly processed. A completed application does not authorize an applicant to energize or utilize the electric vehicle charging station until approval and all necessary permits are granted by the City.

C. If the Building Official determines that the permit application is incomplete, they shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

D. The Building Official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

15.38.060 – Permit Review

A. The Building Official shall review all electric vehicle charging station applications. Notwithstanding the expedited permit processing set forth in this chapter, the Building Official retains authority at all times to identify and address higher priority life-safety situations.

B. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific, adverse impact upon the public health or

safety, the City may require the applicant to apply for a conditional use permit. The Building Official's decision may be appealed by the applicant to the Planning Commission.

C. An application for a conditional use permit to install an electric vehicle charging station shall not be denied unless the Planning Commission makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives. If denied, the Planning Commission's decision may be appealed by the applicant to the City Council pursuant to Section 18.100.170.

D. In the technical review of a charging station application, the Building Official shall not condition the approval of any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

E. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, as may be amended, approve the application and issue all necessary permits.

F. An application to install an electric vehicle charging station submitted to the Building Official of the City shall be deemed complete if, after the applicable time period has elapsed, both of the following are true:

a. The Building Official has not deemed the application complete, consistent with the checklist created by the City pursuant to Government Code section 65850.7(g).

b. The Building Official has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information explicitly necessary for the Building Official to complete a review limited to whether the electric vehicle charging station meets all health and safety requirements of local, state, and federal law, consistent with subdivisions (b) and (g) of Government Code section 65850.7.

G. For purposes of paragraph (F), "applicable time period" means either of the following:

a. Five business days after submission of the application to the City if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.

b. Ten business days after submission of the application to the City if the application is for more than 25 electric vehicle charging stations at a single site.

H. An application to install an electric vehicle charging station shall be deemed approved if the applicable time period described in paragraph (G) has elapsed and all of the following are true:

a. The Building Official has not administratively approved the application pursuant to Government Code section 65850.7(b).

b. The Building Official has not made a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety or required the applicant to apply for a use permit pursuant to Government Code section 65850.7(b).

c. The Building Official of the City has not denied the use permit pursuant to Government Code section 65850.7(c).

d. An appeal has not been made to the Planning Commission pursuant to Government Code section 65850.7(d).

I. For purposes of paragraph (H), “applicable time period means” either of the following:

a. Twenty business days after the application was deemed complete, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.

b. Forty business days after the application was deemed complete, if the application is for more than 25 electric vehicle charging stations at a single site.

J. If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

SECTION 3. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this Ordinance only establishes a streamlined process for electric vehicle charging station permits and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall publish or post the Ordinance as required by law.

SECTION 6. Effective Date. This Ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Hawaiian Gardens this 8th day of August 2023.

CITY OF HAWAIIAN GARDENS

/S/

Maria Teresa Del Rio, Mayor

ATTEST:

/S/

Pablo Rubio, City Clerk

APPROVED AS TO FORM:

/S/

Megan K. Garibaldi
City Attorney

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Pablo Rubio, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 2023-612**, was duly and regularly introduced, adopted, and passed at a Regular meeting of the City Council on the **8th day of August 2023** by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: DE PAULA, ROA, VARGAS, FARFAN, DEL RIO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

/S/ _____
Pablo Rubio
City Clerk